

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DONALD SEARS,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. C04-2511-RSM-JPD

ORDER OF DISMISSAL

The Court, having reviewed the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, the governing law and balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Defendant United States of America's Motion for Partial Summary Judgment (Dkt. No. 25) is GRANTED. Further, because there is no just reason for delay, a final judgment is entered in favor of defendant United States of America pursuant to Fed. R. Civ. P. 54(b). Plaintiff's complaint (Dkt. No. 1) is DISMISSED with prejudice as to defendant United States of America.
- (3) The Clerk is directed to send copies of this Order to the parties and to Judge Donohue.

DATED this 14th day of February, 2007.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE